



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,356	12/01/2000	Gerard Alan Lynch	20228-302	4120
37509	7590	03/03/2004	EXAMINER	
DECHERT LLP P.O. BOX 10004 PALO ALTO, CA 94303			AL HASHEMI, SANA A	
			ART UNIT	PAPER NUMBER
			2171	10
DATE MAILED: 03/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/728,356	LYNCH, GERARD ALAN
	Examiner Sana Al-Hashemi	Art Unit 2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 December 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 17-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 17-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Status: 17- 27 are rejected.

Applicant's arguments filed 12/3/03 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 17, 18, and 21- 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Hess et al. (US Patent No. 6,415,320).

1. Regarding Claims 17, 21, 23, 25, and 27, Hess discloses a method of linking an item description to an item posted to an auction site, comprising:

embedding encoded search information for the posted item into a pointer to an auxiliary site (see Fig. 6B, 650, Hess);

embedding the pointer in an item description of a linking item (see Fig. 9A, 960, Hess);

posting the linking item to the auction site (see Fig. 9A, 5, Hess);

finding the linking item with the pointer at the auction site (see Fig. 9B, 915);

upon selection of the pointer, accessing the auxiliary site (see Fig. 9A, help button 900,

Hess;

decoding the search information into readable text at the auxiliary site (see column 4, lines 19-23, Hess); and

upon selection of the readable text, invoking a search engine of the auction site with the decoded search information as a search parameter to find the posted item and item description (see column 6, lines 29-40, Hess).

2. Regarding Claim 18, Hess discloses a method of linking an item description to an item posted to an auction site, wherein the pointer is a uniform resource locator (see column 4, lines 11-18, Hess).

3. Regarding Claims 22, and 26, Hess discloses a method of linking an item description to an item posted to an auction site, wherein the step of posting the linking item to the site includes:

(a) obtaining actual item description data and actual item auction parameter data for the linking item (see Fig. 9A, 5, Hess);

(b) retrieving a stored item number, item key, user id and user password (see Fig. 6A, 605, 610, Hess); and

(c) submitting to the site confirmation data that includes actual item description data, actual auction parameter data, the retrieved item number, retrieved item key, the user id and the user password to post the linking item for sale to the site (see Fig. 9B, 900, Hess).

4. Regarding Claim 24, Hess discloses a method of linking an item to an item posted to an auction site, wherein the pointer is an HTML in-line frame tag (see column 4, lines 19-23, Hess).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. (US Patent No. 6,415,320, and further in view of Kumar et al. (PAP No. 2002/0143634).

5. Regarding Claim 19, Hess discloses all of the claimed subject matter, Hess does not explicitly disclose the method of linking an item description to an item posted to an auction site, wherein the encoded search information is in the form of ASCII codes for the readable text. However, Kumar et al discloses the use of ASCII form (see paragraph 0029, Kumar). It would have been obvious to one of ordinary skill in the art at the time of the invention to add/modify the coding in Hess by using the ASCII form in coding user information, with the motivation of securing the user ID and password as defined in the extended ASCII character set.

6. Regarding Claim 20, the combination of Hess/ Kumar discloses a method of linking an item description to an item posted to an auction site, wherein the encoded search information is encrypted information (see paragraph 0060, Kumar); and
wherein the step of decoding the search information includes decrypting the search information (see paragraph 0062, Kumar).

Response to Amendment

Applicant argues, “Hess reference fails to teach the steps of “embedding encoded search information for the posted item into a pointer to an auxiliary site; embedding the pointer in an item description of a linking item.”

Examiner disagrees. Referring to column 4, lines 1-23, the method of searching the World Wide Web for posted items, and in response the user’s request the server delivers the documents with their URL, which can be a pointer where the URL will link the user to the item requested as taught in Fig. 6, column 6, lines 23-28.

Applicant argues “the pointer in question is not just any pointer such as a help button pointer but the pointer to the posted item.”

Examiner disagrees. In Fig. 9A, 5, teaches the pointer to a posted items (e.g. the underlining for each item is a pointer).

Applicant argues that the portion cited by the examiner does not teach the “decoding the encoded search information into readable text at the auxiliary site”.

Examiner disagrees. All the data has to be coded or translated to a computer language when it’s stored and decoded to be readable by a user from a computer language to a readable characters, and by referring to column 4, lines 20-22, Hess clearly discloses the method of coding the document (text) to HTML, which in other word teach the limitation subject matter.

Applicant argues Hess fails to teach the limitation “wherein the step of finding the linking item at the auction site includes searching for the item at the site using a search engine of the auction site.”

Examiner disagrees. Referring to Fig. 9A, 960, it clearly shows the auction is current or the search is performed for different auction sites.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (703) 305-4881. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 746-9098. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
February 26, 2004



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100